

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GEORGE PETER BECK, a single man, and
SANDRA RADCLIFFE-BECK, a single
woman,

Plaintiffs,

v.

SAXON MORTGAGE, INC., a Virginia
Corporation and subsidiary of Morgan Stanley,
et al.,

Defendants.

No. 3:09-cv-05454 RBL

ORDER GRANTING MOTIONS TO
DISMISS

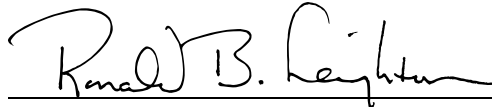
This matter is before the Court on Defendants' Motions to Dismiss [Dkt. #s 89, 91, and 93]. All Defendants seek dismissal under Rule 41(b) based on Plaintiffs' failure to prosecute this action. Specifically at issue is Plaintiffs' failure to File the Amended Complaint they were granted leave to file (and directed to file) by an Order of this Court on December 17, 2010 [Dkt. #87], and their failure to respond in any fashion to these Motions. Indeed, it does not appear that Plaintiffs have filed anything in this case since they sought leave to amend.

Defendant Wagner submits that Plaintiffs failed to respond to Requests for Admission, as well. The history of this case is littered with such failures to respond on the part of the Plaintiffs and their attorney. The case was extraordinarily thin from the start, and the Defendants' Motions are well taken. Under W.D. Wash. Local Civil Rule 7(b)(4), the court deems the failure to respond to be an admission that the motion has merit.

1 The Motions are therefore GRANTED and all claims against all Defendants are
2 DISMISSED WITH PREJUDICE. For this reason, the Wagner Defendants' Motion for
3 Summary Judgment [Dkt. #97] is DENIED as moot. Any further sanction is not warranted, and
4 the request for the same is DENIED.

5 **IT IS SO ORDERED.**

6 DATED this 13th day of September 2011.

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9 RONALD B. LEIGHTON
10 UNITED STATES DISTRICT JUDGE
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